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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: D'Amato

Confirmation No.: 6861

Application No.: 10/732,867

Group Art Unit: 1626

Filed: December 9, 2003

Examiner: Saeed, Kamal A.

For: ANALOGS OF 2-  
PHTHALIMIDINOGLUTARIC ACID

Attorney Docket No.: 9516-181-999

TERMINAL DISCLAIMER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Anthony M. Insogna, represents that he holds the position of partner at the law firm of JONES DAY, the attorneys of record for the present application.

The Petitioner states that The Children's Medical Center Corporation is the assignee of the entire 100% right, title and interest in and to the above-identified application (which is a divisional of Application No. 09/309,464 filed May 11, 1999, now U.S. Patent No. 6,637,828 by virtue of assignment which was recorded on March 12, 2002 at reel 012701 frame 0812.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 6,637,828 which issued on January 6, 2004, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,637,828.

Petitioner further agrees that this agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantee, its successors, and assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,637,828 in the event that said patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

Petitioner hereby confirms that he has reviewed the assignment and, to the best of his knowledge and belief, title is in the assignee seeking to take action in this matter and that he is empowered to act on behalf of The Children's Medical Center Corporation.